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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 09 2006

OFFICE OF PETITION

Patent No. 6,399,176
Application No. 09/269,723
Filed: June 1, 1999
Issued: June 4, 2004
Applicants: Hubert Francois
Title: Composite Wear Component
Art Unit: 1772
Examiner: S. Manlove
Attorney Docket: 87085
Customer No.: 22242

Confirmation No. 1493

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 1450, on this date.

12/2/05 Tamara S. Was
Date Tamara S. Was

NOTIFICATION OF ERROR IN PAYMENT OF FEES
AS A SMALL ENTITY UNDER 37 C.F.R. § 1.28(c)

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TC 1700

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir or Madam:

1. The United States Patent and Trademark Office was previously advised of an error in payment of the issue fee as a small entity in a "Notification of Error in Payment of Fee(s) as a Small Entity" filed on February 23, 2005. Based upon recently received information, the statement in the Notification was incomplete.
2. On April 1, 1999, application 09/269,723 was filed, entering the U.S. National phase under 35 U.S.C. § 371, and a large entity fee of \$970.00 was paid.
3. On June 1, 1999, a small entity assertion was filed in the above-identified application (eventually issuing as U.S. Patent No. 6,399,176) and a refund in the amount of \$485.00 of the filing fee was requested and later received.
4. The assertion of small entity status in the application and the payment of fees as a small entity were done in error without any deceptive intent.

12/06/2006 CKHLOK 00000009 061135 09269723

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5. Itemization of the Fee(s) Erroneously Paid as Small Entity

In accordance with 37 C.F.R. § 1.28(c)(2), the itemization of the deficiency payment is as follows:

Type of Fee Erroneously Paid and Date Fee Paid	Small Entity Fee Actually Paid	Deficiency Owed
Statutory filing fee paid on April 1, 1999	\$485.00	\$515.00
Petition for extension of time for reply within the first month paid on October 10, 2001	\$55.00	\$65.00
	Total Deficiency Owed	\$580.00

The current fee amount for other than a small entity for the filing fee in this application is \$1000.00.

The current fee amount for other than a small entity for the filing of a Petition for Extension of Time for reply within the first month is \$120.00.

Applicant previously submitted a Notification of Error in Payment of Fees as a Small Entity on February 23, 2005, and paid the deficiency owed (\$760.00) to correct the erroneous payment of the Issue Fee as a small entity.

Thus, the total deficiency payment owed is ($\$1000.00 - \$485.00 = \$515.00$ plus $\$120.00 - \$55.00 = \$65.00$) \$580.00.

Applicant requests that the total deficiency owed (\$580.00) be charged to Deposit Account No. 06-1135.

Applicant requests that the error in payment of fees as a small entity be excused upon payment of the deficiency between the amount paid and the amount due.

Applicant believes that there were no other fees paid as a small entity in the prosecution of the above-identified application.

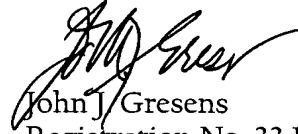
The Commissioner is authorized to charge any deficiency and/or additional fees required by this communication or credit any overpayment to Deposit Account No. 06-1135.

A duplicate copy of this paper is attached.

Application No. 09/269,723
Filed: June 1, 1999

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY



John J. Gresens

Registration No. 33,112

Date: December 2, 2005

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